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April 02, 2013

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: In the Matter of Promoting Interoperability in the 700 MHz Commercial Spectrum & Interoperability of Mobile User Equipment Across Paired Commercial Spectrum Blocks in the 700 MHz Band, WT Docket No. 12-69 & RM-11592 (Terminated)

Dear Ms. Dortch:

In Qualcomm's own statement and words in a letter dated March 22, 2013

*"Because of these interference concerns, 3GPP created Band 17. Using a Band 17 filter allows licensees to avoid harmful interference by **effectively using the A Block as a 6 MHz guard band.** This guard band produces enough spectral separation to allow Band 17 devices to filter out unwanted signals from Channel 51 and the E Block."*

Five years ago the FCC has sold 170 A Block licenses in auction 73 and then allowed AT&T , Qualcomm and a few OEM's, to turn the A Block licenses into a private guard band under cover of the international 3GPP standards-setting process. AT&T has been using the A Block licenses as a private guard band and is now forcing the A Block licensees to foot the \$4 billion auction bill. If the Commission is going to allow AT&T to use the A Block as a private guard band then please ask AT&T to pay the \$4 billion bill or maybe Qualcomm would like to make a donation since the A Block licenses are a guard band why should AT&T get to use the licenses for free?

Surprise, it was never about about harmful interference, not for one minute, the truth is it all about reducing the competition in the wireless industry by delaying the A block licensees who can not build a

mobile network without first having interoperability in the 700 Mhz so we can offer national roaming to our customers which is impossible without first having interoperability in the 700 MHz Band. The fact of the matter is that we can not use the A Block licenses because the licenses are now being used as a private guard band by AT&T.

Who has the authority to decide on how the spectrum of the United States can be used and allocated. It is unprecedeted that an international standards board has the authority to mandate how U.S. airwaves belonging to the American people can be used. An international standards board now has the right to override the wish of Congress and the Commission? That is exactly what is being allowed to happen by turning the A Block into a private guard band without the approval of the American people , Congress or the Commission.

For all these reasons an interoperability mandate should be implemented by the Commission immediately in order to correct the massive competitive disadvantage and consumer harms that have be allow to happen. The 700 MHz band must be restored back to the way it was, as one band class, Band class 12 before and after auction 73.

Respectfully submitted,

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